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CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER	
			WALSH, JOHN B	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GURBINDER SINGH KALSI

Appeal 2008-005449
Application 09/674,870
Technology Center 2100

Decided:¹ June 30, 2009

Before: JENNIFER D. BAHR, STEVEN D.A. McCARTHY, and
MICHAEL W. O'NEILL, *Administrative Patent Judges*.

BAHR, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

Gurbinder Singh Kalsi (Appellant) appeals under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 1-3, 5, 14, 18, 19, 29, and 32-34. The Examiner has indicated that claims 8, 9, 15, 17, and 39 are allowable, and has objected to claims 6, 7, 10-13, 20, 21, 30, 31, and 48-50 as depending from a rejected claim. No other claims are pending. We have jurisdiction over this appeal under 35 U.S.C. § 6 (2002).

The Invention

Appellant's claimed invention is directed to a latch mechanism for a door of a vehicle. Spec. 1:3.

Claims 1 and 5, reproduced below, are illustrative of the claimed subject matter.

1. A latch mechanism including a housing, a pawl movably mounted in the housing to release a latch, at least one of an inside and outside lock link mounted so as to be movable between a first position at which operation of an associated release member causes movement of the pawl to release the latch, and a second position at which operation of the associated release member does not cause movement of the pawl wherein the at least one of an inside and outside lock link is mounted such that movement of the pawl is necessarily accompanied by movement of the at least one of an inside and outside lock link and in which the at least one of an inside and outside lock link is pivotally mounted for rotational movement between the first and second positions.

5. A latch mechanism including a housing, a pawl movably mounted in the housing to release a latch, at least one of an inside and outside lock link mounted so as to be movable between a first position at which operation of an associated release member causes movement of the pawl to release the latch, and a second position at which operation of the associated release member does not cause movement of the pawl wherein the at least one of an inside and outside lock link is mounted such that movement of the pawl is necessarily accompanied by movement of the link and wherein the said at least one of an inside and outside lock link comprises both an inside and outside lock links and in which the inside and outside lock links are both mounted for movement with the pawl.

The Rejection

Appellant seeks review of the Examiner's rejection of claims 1-3, 5, 14, 18, 19, 29, and 32-34 under 35 U.S.C. § 102(b) as being anticipated by Brackmann (US 5,653,484, issued Aug. 5, 1997).

SUMMARY OF DECISION

We REVERSE.

OPINION

To establish anticipation, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001).

Each of the independent claims 1, 5, 29, and 33, as well as their dependent claims, involved in this appeal requires at least one of an inside lock link and an outside lock link “mounted so as to be movable between a first position at which operation of an associated release member causes movement of the pawl to release the latch, and a second position at which operation of the associated release member does not cause movement of the pawl.” The Examiner reads the claimed at least one of an inside lock link and an outside lock link on the outside actuating lever 5 of Brackmann.

Ans. 3. Appellant argues that Brackmann’s outside actuating lever 5 is not mounted between a first position, at which operation of an associated release member causes movement of the pawl to release the latch, and a second position, at which operation of the associated release member does not cause movement of the pawl. App. Br. 4. Specifically, Appellant points out that while the outside actuating lever 5 always moves from a first position to a second position when the outside door handle 24 is pulled, the position of the outside actuating lever 5 does not determine whether pulling on the door handle 24 results in movement of the pawl 2. App. Br. 4-5. Rather, the shifting of the link lever 10 performs this function. App. Br. 5.

Accordingly, the dispositive issue before us is:

Has Appellant demonstrated error in the Examiner’s finding that Brackmann’s outside actuating lever 5 is mounted between a first position, at which operation of an associated release member causes movement of the pawl to release the latch, and a second position, at which operation of the associated release member does not cause movement of the pawl?

The Examiner’s findings as to how Brackmann’s outside actuating lever 5 satisfies the claim limitation at issue are as follows:

Brackmann disclose a first position wherein operation of an associated release member (24) causes movement of the pawl (2) to release the latch (24 is moved, and since it is connected to 5, 5 moves to move 3 resulting in movement of 2 releasing the latch 8). See also at least Brackmann col. 3, lines 14-23.

Brackmann disclose a second position at which operation of the release member does not cause movement of the pawl (column 3, lines 49-50; actuation of the handle 24 does not cause movement of the pawl 2 since the connection is broken when movement of 5 does not cause movement of the next link in the chain of movement).

Ans. 5.

The disclosure alluded to by the Examiner does not support the Examiner's position that Brackmann's outside actuating lever 5 is mounted between a first position, at which operation of an associated release member causes movement of the pawl to release the latch, and a second position, at which operation of the associated release member does not cause movement of the pawl. Specifically, the disclosure of Brackmann relied upon by the Examiner is directed to sliding movement of link lever 10 between a first position (toward the left in fig. 1) and a second position (toward the right in fig. 1). In the first position, the link lever 10 couples the inside actuating lever 4 and outside actuating lever 5 to the release lever 3, which in turn actuates the pawl 2 (col. 3, ll. 13-17), such that actuation of lever 4 or 5 actuates the pawl 2 to unlatch the door. In the second position, levers 4 and 5 are decoupled from the release lever 3, such that actuation of levers 4 and 5 does not actuate the pawl 2. *See* col. 3, ll. 36-49. In other words, the link lever 10, not either of inside actuating lever 4 or outside actuating lever 5, is mounted for movement between a first position, in which operation of an associated release member (inside door handle 23 or outside door handle 24)

causes movement of the pawl 2, and a second position, in which operation of the associated release member does not cause movement of the pawl.

CONCLUSION

Appellant has demonstrated error in the Examiner's finding that Brackmann's outside actuating lever 5 is mounted between a first position, at which operation of an associated release member causes movement of the pawl to release the latch, and a second position, at which operation of the associated release member does not cause movement of the pawl.

DECISION

The Examiner's decision is reversed.

REVERSED

Klh

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